dSeM

Previous references.

1912-13
Local Boards

File No. 200-12
Serial Nos. 165

Later references.
248-13 Sls 1-15
LB35-50-(35-36)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 165

Part B. for September 1913

SUBJECT

Levy of ground rent at Saute in the Inam village of Tukal, Bowringpet Taluk

(1) From the Presidt. Dt. Bd. Kolar, no 595 Dj 30-1-13. Solicits orders on the application of Inamdar Ranganaikamma of Sarvamanya Tukal village, Bowringpet Taluk regarding the levy of ground rent on articles sold at the Saute held in the Inam village.

(2) To the Presidt. Dt. Bd. Kolar, no 7179 Dj 11-3-13. Requests him to furnish his views on the question raised together with reasons therefor.

G. R. S. 58 GPB—4,000—1-7-11

(3) From the Asst. Commissioner, no 979 Dj 23-5-13. States that the levy of ground rents on the articles sold at the Saute of Tukal, Bowringpet Taluk, by the Inamdar would be an innovation not contemplated by the terms of the

G.R.S. 11] 191

GENERAL AND REVENUE SECRETARIAT.

(d. s.)

NOTES.

File No 200

FILE HEADING.

Levy of ground rent at the Sante in the Inam village of Tookal in the Bowringpet Taluk.

From The President, Dist Bd, Kolar

No. 595 Dated 30.1.13 Received 31.1.13

Diary No: 4107	Enclos. Ver. Corr. Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Solicits orders on the application of Inamdar Ranganaikamma of Sarvamanya Tukal village Bowringpet Tk regarding the levy of ground rent on articles sold at the Sante held in the Inam village

NOTES AND ORDERS.

1) The facts of the Case are these:— The Sante seems to have been opened about the year 1898 the Inamdar himself permitting it to be held without first sanction being obtained therefor.

NOTES—First Sheet.

[PB—35,000—15-6-12.]

R. S.-12]

General and Revenue Secretariat.

L.S. File No. 200 of 1912-13

Serial No

The matter seems to rest with the action of the local authorities. The Dharmadar was allotted by the order of Mr. Sharkey the then Deputy Commissioner of Kolar in the year 1899 as being in charge of Government. Whereupon the Dharmadar came forward for the recognition of the order and for being permitted to levy ground rent also in the Dharmada premises. Orders were passed on this petition in 1900 by the then Deputy Com[r] (Mr. B. K. Venkatavaradengar) sanctioning the holding of the Dharmada nothing being said as to the question of the levy of ground rent, &c. It is presumed that the Dharmadar was not levying ground rent till the year 1908 when she seems to have again applied to the Deputy Com[r] for permission to levy the same stating she has to keep the Dharmada premises clean for which an establishment of sweepers are being maintained.

2) The Deputy Commissioner remarks in the letter under reference that a long correspondence has arisen on the subject. Consequently for about 4 years that the Dharmadar claims to levy ground rent on the inam of the Dharmada

NOTE—Contn. sheet.

PB—65,000—17-6-12.

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(R. S. 12]

General and Revenue Secretariat.

L.A. File No. 207 of 1912-13

Serial No.

but according to the Samad he is entitled only to levy Octroi Duty which right he (the Inamdar) does not want to exercise at present and hence submits the case for orders of Govt.

3) The point for consideration is whether the Inamdar is entitled by the terms of the Samad to levy ground rent and if so whether Govt. sanction is necessary

Submitted for orders

K.P.W.
28/2/13
20 (15)

4) Put up draft which first Commr. recognizes the imposition of ground rent as such levy is not conceded in the Samad

K.P.W.
28/2/13

K.P.W.
28/2/13

5) Draft submitted - with a separate routing K.P.W. & note on the subject as per

28/2/13 (15)

K.P.W.
28/2/13

(By secy)

6) Before passing final orders it seems to me necessary to call upon the Deputy Commr to furnish his views on the question raised. His

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

(4)

R. S. 12]

General and Revenue Secretariat: | K.A. File No. 200 of 1912-13

Serial No.
	with reasons therefor, views may be called for the records being returned for reference. Draft 4/3
	1) Draft submitted. 4/3/13
	2) To the President, Dt. Bd, Kolar. No 7179 dt 11-3-13. Requesting him to furnish his views on the question raised together with reasons therefor
3	a) From the Collector Kolar. No 979 dt 23.5.13 stating that the levy of ground rent on the article sold at the Saute of Lakal, Bowringpet Tk by the Inamdar would be an innovation not contemplated by the terms of the Sanad
	4 Subd for orders.
	5 Note — In connection with reference to D/Secy's order 12/6/13 in para 6 supra.
	D/Secy) 17/6/13
	11 Provisions in British India — Madras & Bombay Presidencies on this head — may be put up. Draft 20/6
	12. There is no provision in the Bombay

23-6-13

NOTE—Contn. sheet.

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R. S. 12]

General and Revenue Secretariat.

L. B File No. 200 of 1912

Serial No.

Bombay Local Boards Act I of 1884 as regards private markets (Vide Sec 30) & though in rural parts though the Bombay Dist. Municipalities Act. III of 1901 empowers Muni Councils to frame by-laws relating to private markets [Sec 48 (1) (b)]

13. Sec 117 E of the Madras Local Boards Act permits the opening of private markets. Sec 117 G thereof imposes on the owner, farmer or occupier of a private market certain duties and responsibilities. ~~These are duties~~. The levy of fees in private markets by the owner, farmer or occupier does not seem to be prohibited. These markets can be ~~be~~ expected to be kept clean from spending thereon the income derived from them. Market fee is not a tax (Sec 57)

14. From the accompanying extract x from the Standing Orders of the Board of Revenue, Madras it would appear markets are held on alienated ~~lands~~ (inam etc lands) lands, and that income is also derived from such markets ~~for the benefit~~ by the owners thereof

x Para 114 re. Land exempt from payt of revenue on page 65 of Vol I of the Standing orders (Land Rev)

NOTE—Contn. sheet.

150

GPE—61,000—17-6-12.

(5a)

Page 65. Vol I

Extract from the Standing orders of Board of Revenue. Madras

Chapter I Assessment and Disposal of Land

Section II Alienation of Land Revenue.

14. Land exempt from payment of revenue :- Land such as roads, the sites of hospitals, dispensaries and the like which yield no return to local bodies or other owners thereof and are devoted to public purposes will be exempt from demand on account of land revenue, the exemption to last for such time only as the conditions on which it was granted are fulfilled. The benefit of the exemption may be claimed on behalf of land alienated by the State as well as for occupied land acquired by local bodies. Land appropriated for markets cart-stands and similar objects from which an income is ~~expected~~ derived will be liable to the payment of land revenue.

Note :— (1) The exemption will apply to all land acquired or utilized for the aforesaid public purposes whether ryotwari, inam or Zamindari but extends only to the revenue payable to Govt on such land i.e. to the amount of the assessment payable on ryotwari land and of peshkash or quit-rent on Zamindari or inam land. (B.P 69988:12.92)

X X

G. R. S. 12]

General and Revenue Secretariat. | LB File No. 200 of 1912

Serial No.

15. In this connection it is also submitted that Sec 7 of the Mysore Local Boards Regulation a District Board is required to provide from its funds, subject to such exceptions and conditions as the Government from time to time make and impose, for the establishment, management, maintenance of markets. Under this Section the Govt may direct that the maintenance of the market — a public place[x] for the purposes of buying and selling — at Tekal will rest with the ~~Kayangastadar~~ Inamdar and permit him to levy ground rent. Please also see G.O No 2506 LB 477-05-2 dy 20.9.1906 No 2678 LB 309-10-2 dy 11.7.1911 permitting the Inamdar of Ganaganur to levy ground rent in the Ganaganur Sanths.

[x] Chambers 20th Century Dictionary

[x] it appears to be doubtful whether that the Inamdar should obtain sanction

X

16. The Dy Comr's opinion is that [#] the levy of the ~~said~~ fee (Ground rent ?) would be an innovation because the right is not conferred on the Inamdar by the terms of the original Sanad. Any reference to the terms of the Sanad in the present case appears to be irrelevant.

[#] the

AKS 28.6.1913

NOTE—Contn. sheet.

C.I.P.—65,000—17-6-13.

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(7. R. S. 12)

General and Revenue Secretariat.

Ls 2nd File No. 200 of 1912

Serial No.

with reference to para 11 supra

(7) It is inexpedient to create or recognize new rights of pasturage unless conceded in the Sanad. The exceptions & conditions resp. to in section 7 of the Local Boards Regn. are merely saving provisions.

Dy Secy)

Ly
3/7/12.

(8) A ground rent is not in the nature of a tax. How could an Inamdar be forced to refrain from exercising his proprietary rights implied in the grant of the Inam itself? A law would be required to deprive an Inamdar of his ordinary right to regulate the use of his land by means of contract. The Govt. Advr. may also be unofficially consulted as the point seems to have considerable importance.

Dcsd 4/7

The Sanad has conferred on the Inamdar Entire proprietary right and it contains no reservations or limitations

T. T. O

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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(7. R. S. 12].

General and Revenue Secretariat.

LB. File No. 200 of 1912-3

Serial No.	
	19. Forwarded to the Government Advocate for favour of opinion. By order Khwaja Abdul Hye 4/7/13 In charge of Genl & Rev Depts.
U.O. note 4-7-13	
U.O. 2.	20. The Sanad has conferred on the Inamdar entire proprietary right & it contains no reservations or limitations as to the mode of enjoyment of the village in question & the circumstances it appears to me that the proposed levy of a ground rent by the Inamdar is not an infringement of the terms of his Sanad He has an inherent right to regulate the use of his property provided his action is in conformity with the General Sanitary & other laws & regulations in force in the State or in the locality concerned.
IV 16/7/13	
16-7-13	
	15.7.1913. Examined by J.V. Rao

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | dS File No. 200 of 1912-3

Serial No.	
	21. Subd for orders with the opinion of the Govt advocate.
	22. H. does not appear unfavorable to allow private persons to Compete with the Dr. Board in establishing markets, and levying fees. The local Board Regn applies to the whole of Ingram. The question of taking over the market under this management may, it seems, be desirable in the interests of Sanitation and the improvement of the Dr. Board finances.
	Dy Sec 24) Hm 22/7.
	23. A draft reply letter to the Dy Comm on the lines noted in paras 18 & 20 may be put up. Duer 26/7 Hm 26/7.
	24. Draft subd as directed.
	25. Please put up the draft as revised. Hm 30/7.
	26. Draft subd accordingly.
	Dy Sec 24) Hm 31/7.
	27. Please put up a rdy draft as revised. Duer 31/7 Hm 31/7.
	28. Draft put up as directed.
	29. Dy Sec 24) Hm 2/8.

This will be connected with the draft letter put up.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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F. R. S. 12]

General and Revenue Secretariat. | R.B. File No. 200 of 1912-3

Serial No.

32 The draft letter about an Inamdar's right to levy ground rent on his own land may be approved. The Govt. Advs. has been consulted in the matter.

Draft letter Hr. 4/8. 6/8

2nd Counciller

31 Draft approved letter 2nd Cir

W 5/8/13

Hr 6/8.

32 Done

33. Copy the marginal notes (in pencil) of the Secy against para 22, in a separate file, and submit with the necessary reference & noting the practice elsewhere

Hr 6/8.

Attended to. The Case is being worked up separately. KC 3/9/13

34 Prest Dt Bd Kolar 2nd 7-95-D 4-8-13 States that the inamdar cannot be compelled to refrain from levying the ground rent, if the fair is held on any land belonging to him

35 The Ver. recd received with Sl. 3 having not been returned with Sl. 4, draft now returning the same is subd

36 With refee to para 33 above, it is subd that the Case is being separately worked up and will be soon submitted.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

7322

R. S. 12]

General and Revenue Secretariat. | do File No. 2W of 1912-3

Serial No.	
	Rlwy 1/2/13 37 Issue Rm 2/9.
5	38 Prest Dt Bd Kolar no 3367 d 8-9-13 Returns the 6 records received with S.C no 3

NOTE—Contn. sheet.

GPB—6[illegible],000—17-6-12.

IV 31/1/13 191 3 IC 8 22 31.1.13 1/2

From

D. F. Bourne, Esquire
Offg. President, District
and Municipal Board, Kolar

To

K. R. Srinivasa Iyengar, Esquire M.A.
Offg. Secretary to the Government
of H. H. the Maharaja of Mysore

Dated 30. 1. 1913 General and Revenue

Despatched 30. 1. 1913 Dept. S. Bangalore

Received

General No. 59

No.

Enclosure No. 1 Vernacular petn

Soliciting orders on the application of Inamdar Rangaraickamma of Sarvamangya Tekal Village of Kyasambally Hobly, Bowringpet Taluk regarding the levy of ground rent on articles sold at the Saute held in the Inam Village.

Office of the President—
District and Municipal Boards.

12-13
LB Dated 31st January 1913.
200-12

From.

R. F. Bowring, Esquire,
Officiating President, District and
Municipal Boards, Kolar District—

To.

M. R. Srinivasa Iyengar, Esquire, M.A.
Officiating Secretary to the Government
of H.H. the Maharaja of Mysore
General and Revenue Departments
Bangalore.

Sir,

In forwarding herewith a file of Vernacular papers ending with Bowringpet Amildar's report No 392 dated 17th May 1912, I have the honor to state that Maudar Ranganayakamma of Sarvamanya Inkal Village of Kyasambally Hobly, Bowringpet Taluk applied on 8th May 1908 to permit her to levy ground rent as per margin* on all articles

* 0-10-0 per head loaded
0-10-0 per head unloaded
0-6-0 per head
on every head load

that were brought for Sale at the Saute, which is being permitted to be held in the Inam village in the year 1900, as will be seen from the records.

There was a long Correspondence about the rights of the Inamdar to this ste. From the enclosed copy of the Sanad found in the records, it will be seen that the Inamdar is entitled, among other rights, to the right of Collecting abkari duty (ಅಬಕಾರಿ). But in the Statement dated 31st December 1910, made by one N. J. Shamanna (brother of the Inamdar) on her behalf, it is gathered that the Inamdar does not want to levy any abkari duty but only to collect ground rent on all articles sold in the premises of the Saute. It is further stated that the levy of abkari duty

by the Grandson being one of the
express rights Conveyed by the Samad,
no Specific Sanction therefor is called
for.

I Solicit that Such orders
as the Government may deem fit
may be passed in the matter.

I have the honor to be
Sir.
Your most obedient Servant.

[illegible]
Treasury Assistant Commissioner
for Officiating President,
District and Municipal
Boards, Kolar District
(Abolished - 1 Seal)

(4)

G.R.S. 26]

File No. 200-12

Serial No. 2

Diary No. of letter replied to 4400

No. 7179

LB200-12

9.11.3.13.

General and Revenue Secretariat

(Ls.)

the 19

To

The President, District Bd, Kolar

Date of issue 11.3.13

Signed by Mr SRR

His letter no 375 of 30.1.13 forwarding orders on the application of Inamdar Ranganaikamma of Lavanamanya Tukal village of Kyasambally Hobli, Bowringpet Taluk regarding the levy of ground rent on articles sold at the fairs held in the Inam villages

In returning the Vernacular

over.

SUBJECT.

W 275 P&S 515 1903 L.D. 100-42-3

From The President,
District & municipal Boards,
Kolar district.

To The Secretary to the Government
of H. H. the Maharaja of Mysore,
General & Revenue Departments,

Dated 23rd inst. 1913.

Despatched 24th

Received

General No. 979.
No.

Enclosure No. one and Vernacular records.

Stating that the Govt. of Government on the articles sold at the Sante of Tukal Bommaghat Taluk by the Inamdar, would be an innovation not contemplated by the terms of the Sannad &c

GPB—70 reams—27-12-09

1
Rp.

7322

Office of the President,
District & municipal Boards,
Kolar district.
Dated, Kolar, 23rd May 1913.
74.

From

P. F. Bowring. Esquire,
President,
District and municipal Boards,
Kolar district

To

K. R. Srinivasayengar, Esquire, M. A.,
Offg. Secretary to the Government of His
Highness the Maharaja of Mysore,
General and Revenue departments,
Bangalore.

Sir.

Adverting to your docket No. 7179 LB. 200-12 dated 14th march 1913, calling for my opinion in the matter of granting permission to the Inamdar to levy ground rent on the articles sold at the Sante held in the Sarvamanya village of Tukai in the Bowringpet Taluk. I have the honor to forward herewith a copy of the Inam Superintendent's letter No. 210 — dated the 9th instant, on the subject under reply, and to state that I fully endorse his views as the holding of the Sante in this village was newly sanctioned in 1900, and thus the levy of the said fees would be an innovation, which was neither contemplated nor conferred on the Inamdar by

the original Sannad.

2. The Inamdar's interpretation of the words "Sankha Pommu" in the Sannad onto Oelvoi duly is not supported by the translation of the Sannad by Mr L. Rice and the Inam Superintendent also agrees with this.

3. I beg to add that no kind of Market fees is being levied in any of the Santes held in the rural villages of the District.

4. The entire file of vernacular records are herewith resubmitted.

I have the honor to be,

Sir

Your most Obedient Servant,

President,

District & municipal Boards,

Kolar District

(8

Letter No. 210/Enc. 1 file. dated 9th May 1913, from the Superintendent, Inam settlements in Mysore, to the Deputy Commissioner and President of the Municipal Boards, Kolar district.

With reference to your letter No. C. 267 dated 29th April 1913, forwarding for my opinion, a file of correspondence in re the application of Ranganaya-Kamma for permission to levy ground rent on the articles sold at the Sante held in here Sarvamanyam village, of Tukal in the Bowringpet Taluk, I have the honor to state that there is no reference in this office registers recognising the Inamdar's claim to the item in question.

2. As regards the interpretation of the words — "Sanka Pomma" in the Sannad in the file received with the above, to mean the item now claimed, I do not think that it does, in as much as, no Sante was being held in this village till it was sanctioned by the Deputy Commissioner in 1900. The levy of any tax which the Inamdar had not been getting by custom from a long time is opposed to the rule laid down in Sec 1 — on 9 on page 57 of the revised Mysore Revenue Manual of 1911.

3. The enclosures of the letter under reply are herewith returned.

"Copy."

President,
District & Municipal Board,
Kolar District.

716

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G.R.S. 26]

X

File No. 200-12
Serial No. 4

Diary No. of letter replied to 7322

No. 1795
LB200-12
dt 11.8.13.

General and Revenue Secretariat
(L.B.)
, *the* 19 .

To

The President, Dist'd, Kolar.

Sir

Date of issue 11.8.13

Signed by Mr AVR.

With reference to Correspondence ending with your letter no 979 dt 23.5.1913 directing orders on the application of Inamdars of Sarvamangala Tukal village in the Bowringpet Taluk regarding the levy of ground rent at the Sante held there, I am directed to state that ground rent not being in the nature of a tax the Inamdars

over.

SUBJECT.

Mr. I

Cannot in the absence of a
specific law be compelled
to refrain from levying it in
the exercise of the proprietary
right implied in the grant of
the Inam itself, if the fair is
allowed to be held on any land
comprised therein and if the
persons that use it agree to
pay the ground-rent to the
Inamdar. At the same
time the Inamdar's action
should be subject to the control
of the Sanitary and other laws
and regulations applicable
to the locality concerned.

I have, &c

List of enclosures,

Secretary

Copied by

Examined by

GPB—20,000—25-9-10

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G. R. S. 26] 519 + 8

File No. 200-12

Serial No. 5—

Diary No. of letter replied to 7322

antemath

No. 3367

LB 200-12

9.8.9.13.

General and Revenue Secretariat

(Lb.)

, the 191 .

To

The President, Dt. Bd., Kolar

Sir,

In continuation of the office letter no 1295 dt. Lb. 200-12-4 11.8.13 I am directed to return the Vernacular records received with ~~correspondence ending with~~ your letter no 979 dt 28.3.13 ~~subject~~ re the levy of ground rent in the Inam village of Tookal in the Bowringpet Taluk.

I have, &c.

over.

Date of issue 8.9.13.

Signed by Mr A.V. Ramanathan

LB 200-12-4 11/8/13

Asst

a/Dy Secretary

SUBJECT.

Asst 6/9